

New Hampshire  
State Board of Education  
Revised Minutes of the June 13, 2013 Meeting

**AGENDA ITEM I. CALL TO ORDER**

The regular meeting of the State Board of Education was convened at 9:04 a.m. at the Department of Education, 101 Pleasant Street, Concord, NH. Tom Raffio presided as Chairman.

Members present: Tom Raffio, Cindy C. Chagnon, Helen G. Honorow, Gregory Odell, Emma Rous, and James C. Schubert. Gary W. Groleau was unable to attend due to a business commitment. Also in attendance were Virginia M. Barry, Commissioner of Education, and Paul K. Leather, Deputy Commissioner of Education.

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

James Schubert led the pledge of allegiance.

**AGENDA ITEM III. PUBLIC COMMENT**

Conditional Approval – Ed 321, School Building Construction and Ed 322, Regional Career and Technical Center and Charter School Leases – Mary Mayo reported that a vote is needed to adopt the Conditional Approval to comply with the conditional approval for rule filing 2012-192 approved by the JLCAR. The conditional approval is based on changes to the final proposal as discussed with the JLCAR at its May 17, 2013 public hearing. If we make the following changes, the Office of Legislative Services can determine we have amended the rules in accordance with the conditional approval and issue a letter to that affect. The conditional approval includes deleting Ed 321.23(l)(3) on page 21 and deleting the words “as provided in section 15 of the State of New Hampshire Department of Administrative Services Bureau of Planning and Management Standard Lease Agreement, Form P.44, February 1999 education” on page 34 because that phrase is no longer accurate. Once reviewed by the Office of Legislative Services to determine the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may then adopt the final rule.

**MOTION:** Cindy Chagnon made the motion, seconded by Gregory Odell, that the State Board of Education adopt the changes to the Final Proposal for Ed 321, School Building Construction and Ed 322, Regional Career and Technical Center and Charter School Leases to comply with the conditional approval for rule filing 2012-192.

**VOTE:** The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Kay Shoubash spoke regarding the Family and Consumer Science section in the draft Minimum Standards. Doris Hohensee spoke against the Common Core Standards. Chairman Raffio said he had received a letter from State Senator Jeanie Forrester regarding Family and Consumer Sciences course where she asks that the Board reconsider the decision to eliminate Family and Consumer Sciences as required high school course.

Chairman Raffio congratulated Commissioner Barry on being reappointed and said that the Commissioner works very hard at what she does and there is a lot going on in the state. Chairman Raffio asked Cindy to report on the "Ed"ies that was held Saturday. Cindy Chagnon said the "Excellence in Education" initiative is an annual program at the "ED"ies designed to identify an elementary school, a middle school, and a secondary school for any given year, and will become a symbolic representation of the many excellent schools which exist in New Hampshire. This year the Bedford High School received the Secondary School of Excellence award. Ms. Chagnon said that the Doris Barnes Retired Educator Lifetime Achievement Award was presented to Rosemonde L. Roy. Doris taught 62 years in the classroom and was also a founding member of the "ED"ies Board. Helen Honorow said that this is the 20<sup>th</sup> year that these Annual Awards program celebrates excellence.

James Schubert said he, Cindy Chagnon, and Commissioner Barry had attended the Middle Level School program recently.

Chairman Raffio said there were several topics that would be discussed at the Board Retreat when scheduled.

Commissioner Barry said that all meetings held by the Department are open to the citizens and every meeting is public.

**AGENDA ITEM IV. OPEN BOARD DISCUSSION**

A. Update on Charter Schools – Chairman Raffio said that until the Board knows what the final state budget will be, or if the law changes, the Board cannot entertain new applications. Commissioner Barry and Roberta Tenney will meet with the four charter schools that have submitted complete applications within the next few weeks to be sure everything is in order in case they could be approved at the July 18, 2013 meeting or at other upcoming Board meetings.

B. Update on NH Department of Education ESEA Flexibility Waiver – Mr. Leather said that the Department is continuing to talk with staff at the U.S. Department of Education and, hopefully, the waiver will be approved. We understand the approval letter has reached the Secretary's desk.

C. Update on Manchester School District – Mr. Leather said a new Superintendent of Schools has been selected. The Department is waiting for the district curriculum audit report from the Manchester School District. Class size continues to be a concern. Dr. Debra Livingston has been appointed as the new Superintendent and the Department will be working with her. She was a Superintendent at the Fall Mountain School District. There will be a meeting on June 20 to discuss the transition and on June 27 there will be a closing meeting with Superintendent Brennan. We will be discussing a six-month interim plan with Dr. Livingston.

D. Update on Unity – Judy Fillion and Jeff Blaney from the Department, Superintendent Middleton McGoodwin, and Chip Baldwin from SAU #6, were present. Mr Blaney reported that the Fire Marshall's Office staff met with the administration of SAU #6. It was a three member panel. They were ready to shut down the construction site that day but allowed construction to continue pending submittals from the architect. There are ten weeks of construction time left before school opens. There is a significant amount of construction to be completed before that happens. The concerns about the windows have been noted by the Fire Marshal's Office and they will require review and sign off by engineers. Mr. Blaney is concerned for the safety of the occupants of the building. A Unity resident raised concerns relative to performance bonds for the architect who is approving general contractor services. Mr. Blaney said the Department would be checking with the Attorney General's Office regarding the performance bond. Mr. McGoodwin said that the school construction is right on point with an August 26<sup>th</sup> opening. The performance bond was reviewed by legal counsel in 2010. Superintendent McGoodwin said he has three plans ready: Plan A is to open on August 26<sup>th</sup>; Plan B is to open after Labor Day; and Plan C is to transport students and teachers to Claremont. Teachers know that they may have to go to Claremont. Parents have been notified that this could happen.

Transportation to bring the students to Claremont will increase the time on the bus route to one hour instead of one-half hour. Mr. Odell asked if there is a structural engineer on duty. Mr. Blaney replied that there is. They are in communication, as necessary, with the structural engineer. Chairman Raffio said he wants the weekly reports to continue and to get the performance bond in place. Ms. Honorow said she wanted the planned move that could occur to have the least disruption for the students and for the instructional time. Brenda Constantino spoke of her concerns regarding the construction, performance bonds and the windows. Chairman Raffio said that the state has an obligation to make sure everything is done correctly and it meets the code that the Fire Marshal says it should.

## **AGENDA ITEM V. SPECIAL PRESENTATIONS**

A. Process/Protocol for Public Comment – Chairman Raffio said that Board practice in the past has been to limit conversations to five minutes with no comments back from the Board and to balance input from the public. Sid Glassner shared his thoughts on this practice. Chairman Raffio said that this would be a topic of discussion at the Board Retreat when it is scheduled.

B. Common Core State Standards Discussion – Chairman Raffio said that Sid Glassner wished to speak on this topic. Mr. Glassner had a discussion regarding the vetting cost and interest in open dialogue on common core standards. Chairman Raffio said there are State Representatives who would like to speak to this issue. Deputy Commissioner Leather said that the Board adopted the Common Core Standards in the summer of 2010 after extensive review by the Department and a national group over several months. Mr. Glassner read a prepared statement. Chairman Raffio said he could not agree with some of the statements in the prepared statement. Rep. Jane Cormier, Rep. Joe Pitre, Rep. Glenn Cordelli, Rep. Patrick Bick, and Rep. Emily Sandblade spoke in opposition to the Common Core Standards.

C. Commission on Competency Based Learning - Chairman Raffio introduced Senator Nancy Stiles and Doug Cullen. Sen. Stiles reported that SB 82, establishing a commission to identify strategies needed for developing and implementing a competency-based public education system, was introduced. In 2010 it passed the Senate but the House wanted some language removed. This was done and the bill was put back in this year but then the House Education Committee decided it wanted to collect data so the bill was not passed. Sen. Stiles suggested that the State Board of Education set up a task force to look at competency based learning and have all stakeholders involved to discuss this. Chairman Raffio suggested the concept of creating this Task Force be discussed at the Board Retreat when it is scheduled.

D. Update on Rulemaking – Initial Rulemaking – Ed 306, Minimum Standards Rules – David Ruff, facilitator for the Minimum Standards working group, met with the Board. Paul Leather said that Tim Mayes, Alan Pardy, Jean Richards and Barrett Christina, from the Committee, were also present. Deputy Commissioner Leather said that during the last meeting with the Committee there was discussion on Family and Consumer Science and math expectations for college and career readiness and the credits required to meet these expectations for high school graduation. Mr. Leather said that the math section has been reviewed with the NH Math Association, the Chancellor of the Community College System of New Hampshire and with the community college Presidents. Mary Mayo met with the Board regarding this issue and said a vote is needed by the Board to adopt the proposed revised initial proposal for Ed 306, Minimum Standards for Public School Approval. Since last month's meeting information has been received by the Department regarding math expectations for college and career readiness and the credits required to meet these expectations for high school graduation. Mr. Ruff explained some of the changes that have been made in the revised initial proposal. Emma Rous asked for the definition of performance assessments and graduation competencies. Cindy Chagnon said she went on record at that last meeting that she supports Family and Consumer Science being put back into the high school section. Helen Honorow said that the math concepts requiring Algebra has some students struggling and what about special education students. Cindy Chagnon said the state testing on transcripts is not in there and she is in favor of it. Mr. Leather said the committee has completed its work but will continue to meet, if necessary. Mr. Leather said these could be approved at the November 21<sup>st</sup> State Board meeting.

MOTION: Cindy Chagnon made the motion, seconded by Gregory Odell, that the State Board of Education adopt the proposed revised Initial Proposal for Ed 306, Minimum Standards for Public School Approval and set its public hearings for August 19, 2013 at 11:00 a.m. at Londergan Hall, Room 15 and on September 9 in Lincoln at 10 a.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

E. Praxis II for Math and English Language Arts – Judy Fillion and Virginia Clifford reported on this item. The Math and English Language Arts Praxis exams have been updated to reflect College and Career Ready Standards. Additionally, they contain new innovative test items that may be offered in an online format. The effects of this action will be to adopt passing scores for the new and more rigorous assessments to be used for licensure and HQT in Math and English Language Arts. Since these tests are new there is no performance data available to view on actual performance on these

assessments. The Department will review the first year of state and national performance in the fall of 2014 to determine if an adjusted passing score should be recommended to the Board.

MOTION: Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt the following passing scores, effective October 1, 2013:

Mathematics: Content Knowledge (5161/0161) – 160  
 Middle School Mathematics (5159/0169) – 165  
 English Language Arts: Content and Analysis (5039/0039) – 168  
 Middle School English Language Arts (5047/0047) – 164

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

F. Home Education Advisory Council 2012-13 Report – Abbey Lawrence, Chair of this Council, presented the 2012-13 Report. The home education law provides an alternative to school attendance assignment under compulsory attendance and establishes the Home Education Advisory Council. The duties of the Council are prescribed in administrative rules. The Department currently has a zero budget for home education, and no families used the Department as participating agency. Legislative changes last year required changes to our rules; the Board at its February 20<sup>th</sup> meeting adopted the Council's rulemaking petition and directed the Department to prepare an initial proposal. The most recent figures from the Department indicate that for the current school year 5,553 children are being homeschooled in New Hampshire; reporting changes in RSA 193-A have introduced an element of uncertainty into the collection of this data. In October we attended the Commissioner's monthly meeting with superintendents to explain changes to the law. Annual notification of a home education program is no longer required, and the annual evaluation is no longer required to be submitted to the participating agency. Two topics that have come up in our monthly discussions include "push-out" – the pressuring of a family to homeschool that otherwise might not be inclined to do so – and the concern of some superintendents that some parents are using the homeschool law to withdraw students from school but are not really providing a program.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education accept the Home Education Advisory Council 2012-13 Report.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Chairman Raffio presented Abbey Lawrence with a Commendation in grateful recognition of Abbey's leadership as Chair of the Council and for her patience, persistence, grace and intelligence in dealing with matters of public policy. Abbey has been an advocate for all home schooled children in New Hampshire.

G. State Plan for Vocational Rehabilitation Services – Lisa Hatz and Ella McAllister met with the Board. State Board approval is needed for the fiscal year 2014 amendments to the State Plan for Vocational Rehabilitation Services and the State Plan Supplement for Supported Employment Services. Title I of the Rehabilitation Act authorizes a formula grant program to assist states in operating a statewide program of vocational rehabilitation services. This program is designated to provide vocational rehabilitation services for individuals with disabilities, so that such individuals may prepare for, enter, and engage in gainful employment. Title VI, Part B also authorizes a formula grant program to provide supported employment services for individuals with the most significant disabilities to enter or retain competitive employment. With an approved State Plan the State of New Hampshire will be able to receive formula grant monies to provide services to over 8,000 students and adults with disabilities. Receipt of the grant awards will enable the Department to continue assisting youth and adults with significant disabilities to attain employment. State Board approval of the State Plan will enable the state agency to receive over \$14,000,000 for the purpose of providing educational and training opportunities to eligible students and adults with significant disabilities, enabling these individuals to enter employment and the mainstream of society. Last year the agency assisted 1,087 individuals with disabilities to achieve employment.

MOTION: James Schubert made the motion, seconded by Cindy Chagnon, that the State Board of Education approve the State Plan for the State Vocational Rehabilitation Services Program under Title I and the State Plan Supplement for the State Supported Employment Services Program under Title VI, Part B of the Rehabilitation Act for fiscal year 2014.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Deputy Commissioner Leather said that Commissioner Barry had appointed Lisa Hatz State Director for Vocational Rehabilitation.

H. Science Technology Engineering Arts Mathematics (STEAM) – Marcia McCaffrey and Catherine O'Brian met with the Board. STEM education refers to the teaching and learning of science, technology, engineering and mathematics disciplines, in an integrated, innovative, applied fashion to a level of challenge sufficient for college and workforce readiness. STEAM is an additive – it adds the “A” for Arts and Design into STEM. Arts and Design are often the “invisible” factors in STEM. Arts and design contribute real solutions to our everyday lives, distinguish America’s products in a global marketplace, and create opportunity for economic growth in the United States. Artists and designers can effectively communicate complex data and scientific information to multiple stakeholders and broad audiences. They also play a critical role in the development of modern technology to support new American manufacturing opportunities.

I. Curriculum Planning and Summer Curriculum and Technology Institute Bedford School District – Chip McGee, Assistant Superintendent of Schools for the Bedford School District, presented on curriculum development in Bedford. Chip used the analogy of a curriculum as a garden – a diverse, well balanced set of ideas that is in constant need of refinement and revision based on priorities. There are three components of curriculum development: curriculum, assessment, and instruction. Curriculum is what students must know and be able to do. It should be clearly and publicly stated and is influenced by the Common Core. Assessment is developed by teacher teams and the results are shared within teacher teams. Instruction is the set of tools used to help students learn. This means selecting some techniques and rejecting other less effective ones.

J. Sullivan School District Certificate of Formation – A vote by the Board is needed to certify that the statutory procedures for withdrawal from an SAU were followed in the Sullivan School District. The voters did approve the withdrawal of Sullivan from SAU #93 and therefore the Board may properly issue a certificate as evidence of the lawful formation of the single district SAU, containing the Sullivan School District. RSA 194-C:2, IV(i) requires the school district clerk to submit evidence of successful withdrawal from a SAU to the Board. If the Board finds that 60% of the voters are in favor of withdrawal, they are required to issue a certificate as evidence of lawful formation of a new single district school administrative unit. There were forty-nine ballots cast on the question of withdrawal; of that number, forty-eight voted in favor of withdrawing. In order to meet the 60% requirement, thirty affirmative votes were necessary. The Sullivan/SAU#93 Withdrawal Committee wishes to note that while RSA 195:30 requires that a school district withdrawing from a cooperative district must wait for one year after withdrawal to initiate SAU withdrawal, their proposal is the result of the district withdrawal committee. Under the plan, Sullivan must



simultaneously withdraw from SAU #93 prior to the implementation of its school district withdrawal on July 1, 2013. Therefore, as of July 1, 2013, Sullivan will no longer be a member of SAU #93. The Sullivan School District shall become SAU #96. Dr. Ken Dassau, Superintendent of Schools, accepted the Certificate for Formation of the Sullivan School District. Dr. Dassau thanked Paul Leather and Sarah Browning for all their work on this issue.

MOTION: Cindy Chagnon made the motion, seconded by James Schubert, that the State Board of Education acknowledge that the voters in the Sullivan School District, present and voting, having voted to withdraw from SAU #93, by the necessary 3/5 majority vote required by law have lawfully withdrawn from SAU #93 and that the State Board of Education issue its Certificate of Formation for the new single district School Administrative Unit #96.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

K. Discussion on School-Based Immunization Program – Helen Honorow discussed the recent meeting that was held with Commissioner Barry, Dr. Jose Montero, Director of the Division of Public Health Services, Mark Joyce, Executive Director, NH School Administrators Association, Steve Guyer from the NH Association of School Principals, Brian Blake, Superintendent of Schools for SAU #17, Earl Metzler, Superintendent of Schools for SAU #55, Gail Paludi, Superintendent of Schools for SAU #88 and Marcella Bobinski, Immunizations Program Manager for the Department of Health and Human Services. The main objective was to discuss influenza; both the current development around the H7N9 strain as well as ongoing efforts to increase influence vaccination in school settings. Discussion was around the current status of Novel AH7N9 and the planning outline, the benefits of vaccinating school children against an influenza virus, the rule schools can have in protecting their students, benefits of school based influenza clinics, the state law and rules that outlines the immunization requirements, the role the school nurse and school administration plays in upholding these laws and rules and that funds are available for vaccines for children through the Department of Health and Human Services.

#### **AGENDA ITEM VI. NEW DEPARTMENT BUSINESS**

Chairman Raffio said that New Hampshire is being recognized nationally for what we do.

Paul Leather said that there was a discussion recently with the Commissioner, Deputy, Stan Freeda and the science people on Next Generation Science Standards. Mr. Leather encouraged Board members to review HB 1 and 2, particularly the sections relative to charter school approval and funding.

## **AGENDA ITEM VII. LEGISLATIVE ISSUES**

Mary Mayo reported on these items.

A. Adopt Rule – Ed 508, Application for Certification, and Ed 509, Credential Renewal and Validity – A vote is needed by the Board to adopt Ed 508, Application for Certification and Ed 509, Credential Renewal and Validity in rule filing 2012-170. The Office of Legislative Services has determined the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may now adopt the rule.

MOTION: James Schubert made the motion, seconded by Gregory Odell, that the State Board of Education adopt Ed 508, Application for Certification and Ed 509, Credential Renewal and Validity for rule filing 2012-170.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Adopt Rule – Ed 400, Approval of Nonpublic Schools – A vote is needed by the Board to adopt Ed 400, Approval of Nonpublic Schools in rule filing 2012-139. The Office of Legislative Services has determined the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may now adopt the rule.

MOTION: Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt 400, Approval of Nonpublic Schools in rule filing 2012-139.

VOTE: The motion was adopted by unanimous vote of the Board with the Chairman voting.

C. Adopt Rule – Ed 321, School Building Construction and Ed 322, Regional Career and Technical Center and Charter School Leases (Pending Receipt of Conditional Approval) – A vote is needed by the Board to adopt Ed 321, School Building Construction and Ed 322, Regional Career and Technical Center and Charter School Leases in rule filing 2012-192. The Office of Legislative Services has determined the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may now adopt the rule.

MOTION: Cindy Chagnon made the motion, seconded by James Schubert, that the State Board of Education adopt Ed 321, School Building Construction and Ed 322, Regional Career and Technical Center and Charter School Leases for rule filing 2012-192.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. Adopt Rule – Ed 216, Explanation of Adopted Rules, Ed 310, Developmentally Appropriate Daily Physical Activity Program, Ed 317, Suspension and Expulsion of Pupils, and Ed 704, General Education Development Program (GED) – A vote is needed by the Board to adopt these rules in rule filing 2012-155. The Office of Legislative Services has determined the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may now adopt the rule.

MOTION: Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt Ed 216, Explanation of Adopted Rules, Ed 310 Developmentally Appropriate Daily Physical Activity Program, Ed 317, Suspension and Expulsion of Pupils and Ed 704, General Education Development Program (GED) in rule filing 2012-155.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

### **AGENDA ITEM VIII. NEW BOARD BUSINESS**

A. Priorities of State Board – Chairman Raffio mentioned several topics that would be included when the Board Retreat is scheduled: Common Core, Competency Based Learning, STEM, Process for Public Comment.

## B. Education Reform

### **AGENDA ITEM IX. COMMISSIONER'S REPORT**

Commissioner Barry said she is pleased with the attendance of Board members at events and the great work you are doing. Commissioner Barry said that Saturday was the "Ed"ies 20<sup>th</sup> Annual Awards program to honor excellence in education. The Awards, informally known as the "ED"ies, celebrate the many examples of educational excellence in New Hampshire. This event is the result of a collaborative effort of a majority of the statewide education associations. This event serves as a catalyst to highlight outstanding public schools, programs, and educators. It uses their example to inspire and motivate others throughout the state. Commissioner Barry reported on the assessment that is taking place in New Hampshire with NAEP and NECAP. In the last two months there has been a lot of involvement with different state agencies. We have met with the Department of Health and Human Services regarding early childhood funds, PK-3 readiness for children for learning, and the influenza vaccine. We are involved with priority focus schools. The Department is recruiting Title I staff. We have hired a Title III ESL person who immigrated into this country. Title II-A is involved in Professional Development. We have received a SWIFT grant for one million dollars for three school districts. Only three states were selected. Commissioner Barry met with the House Education Committee for three hours to discuss the common core state standards. The website will have a chronology on the common core state standards for the last eight months of field-based work with questions and answers and now will be titled NH College and Career Readiness. There is no cost to the school districts for the new standards. Mr. Odell asked if there would be data for tracking information. Mr. Leather said that New Hampshire has strict laws regarding personal information.

Chairman Raffio said he had attended a SPARK conference recently and Commissioner Nick Toumpas from the Department of Health and Human Services was there.

Helen Honorow mentioned that she and Commissioner Barry had met with Gateway regarding transition issues.

### **AGENDA ITEM X. OLD BUSINESS**

There was no Old Business at this meeting.

**AGENDA ITEM XI. CONSENT AGENDA**

- A. Minutes of May 15, 2013 Meeting – There were two minor corrections to the Minutes.

MOTION: Cindy Chagnon made the motion, seconded by Gregory Odell, to approve the Minutes of May 15, 2013 Meeting, as amended.

VOTE: This motion was adopted by unanimous vote of the Board present, with the Chairman voting.

**AGENDA ITEM XII. TABLED ITEMS**

There were no Tabled Items at this meeting.

**AGENDA ITEM XIII. NONPUBLIC SESSION**

The Board did not go into Nonpublic Session at this meeting.

**AGENDA ITEM XIV. ADJOURNMENT**

MOTION: Helen Honorow made the motion, seconded by James Schubert, to adjourn the meeting at 1:40 p.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

*Virginia M. Barry*

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Secretary